REMARKS

Applicant wishes to thank Examiner Lesniewski for his time during a telephonic interview that took place on Feb 21, 2006. During this interview, the Examiner and applicant's representative discussed proposed amendments to claim 1 and agreement was reached that these amendments would function to overcome the rejection under 35 U.S.C. § 102(e). Accordingly, the proposed amendments have been presented in the current amendment. In addition, independent claims 15 and 30 have been amended to incorporate the features of amended claim 1. Claims 9-14, 21-25, and 31-36 have been canceled. Applicant reserves the right to pursue such claims in subsequent applications. In addition, claims 26-29 have been amended to depend from claim 30. Thus, claims 1-8, 15-20, and 26-30 are now pending.

As suggested by the Examiner, applicant provides the following remarks with respect to the amended claims in view of U.S. Patent No. 6,370,141 ("Giordano"). Applicant also addresses the Examiner's potential obviousness concerns mentioned during the telephone interview. These obviousness concerns relate to specific passages of Giordano which mention using described techniques in the context of an Intranet.

The claims now recite "monitoring the computer network to detect network conditions of network components other than the client computer that require a possible change in the configuration settings of the client computer; and when a network condition that requires a change in the configuration settings of the client computer is detected, generating new configuration settings for transmission to the client computer without the need for the client computer to initiate the transmission." In other words, the claim is explicit that the entity that is being monitored (in this case, an aspect of the network) is different from the entity that is subject to the change in configuration settings (in this case, the client computer). Giordano does not describe monitoring one entity and then providing new configuration settings to another entity based on the monitoring. Accordingly, applicant's claims are allowable in view of Giordano.

I.   Giordano Describes Monitoring of an Internet Appliance so that the Internet Appliance Itself Can Receive Upgrades

The only monitoring disclosed in Giordano pertains to monitoring an Internet appliance that is set to receive new configuration settings or upgrades:

> Functionality can include monitoring functions such as checking variables and getting the state of an upgrade. For example, such monitoring functions may be used to determine if the Internet appliance does not include the most recent version of a particular operating element ("firmware").

(Giordano at Col 4, lines 60-65.) Thus, the disclosed monitoring in Giordano is limited to checking variables of the Internet appliance (e.g., prior to upgrade) and getting the state of an upgrade occurring at the Internet appliance. This monitoring of the Internet appliance is implemented using various put/get functions. The get functions allow for the retrieval of information from the Internet appliance. An example of the information that can be retrieved from the Internet appliance using a get function includes information about variables and information concerning the state of an upgrade being preformed at the Internet appliance. In particular, the get functions allow the Internet appliance to "get information from its own nonvolatile memory." (Giordano at Col. 5, lines 10-12). Giordano's put functions then allow for transmitting to a server the information retrieved from the Internet appliance using the get function. (See Figure 3 of Giordano and accompanying text.) While it may be argued that the Internet appliance, which is being monitored using these put/get functions, is part of a network, unlike with applicant's claims, the entity that is being monitored (i.e., the Internet appliance) is the same entity that is subject to receiving new configuration settings/upgrades.

II.   Giordano's Textual Description Relating to an Intranet Does Not Render Applicant's Claims Obvious

During the telephone interview, the Examiner mentioned to applicant's representative that there were two portions of Giordano that may potentially lead to an

obviousness rejection of the amended claims. Applicant appreciates the opportunity that the Examiner has provided for applicant to address these portions of Giordano in this response.

The first portion of Giordano that the Examiner mentioned was Col. 5, lines 54-57, which provides as follows:

> Additionally, the put/get functions may be used with regard to variables, for example with regard to configuration of the Internet appliance and the operating status for various Internet appliance features (for example, whether the Internet appliance is operating properly). Finally, the put/get functions may be used within an Intranet (for example to configure the Internet appliance to a given company's particular requirements).

The second portion of Giordano that the Examiner mentioned was Col. 4, lines 56-60, which provides as follows:

> With regard to configuration, the mechanism [described in a preceding sentence as a mechanism that supports both HTML push and pull data transmission between the Internet and the Internet appliance] provides for the setting and resetting of various user preferences or system-required preferences (for example an Intranet that has been customized for a particular company's requirements).

Applicant does not see how the above descriptions function to render the amended claims obvious. It appears that the only new concept that these passages of Giordano introduce to the discussion of monitoring the Internet appliance and allowing it to receive upgrades using put/get functions (described in detail above) is that the technology can be used within the context of an Intranet (as opposed to some other type of network). (See e.g., Figures 3 and 4 of Giordano and accompanying text; Col. 5, lines 10-12; Col. 5, lines 50-54, etc.) There is nothing in Col. 5, lines 54-57, Col. 4 lines, 56-60, or any where else in Giordano that suggest monitoring an entity other than one that is subject to receiving configuration settings or upgrades, as claimed by applicant. The fact that Giordano does not describe any type of mechanism that would be capable of monitoring a server (or any

other network component besides the Internet appliance) further supports applicant's position. Thus, Giordano does not teach or suggest monitoring a network (other than monitoring an entity that is to receive new configuration settings) and does not provide any motivation to combine monitoring of an Internet appliance with monitoring of a network entity other than an entity that is to receive new configuration settings.

In addition to failing to disclose monitoring of a network, Giordano does not disclose other claim elements, including "generating new configuration settings for transmission to the client computer without the need for the client computer to initiate the transmission."

In view of the above amendment, applicant maintains that all of the now-pending claims in the application are allowable. Accordingly, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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